

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JAMES EARL CRENSHAW,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:07-cv-00793-MHT-CSC
)	
COOSA COUNTY JAIL, et al.,)	
)	
Defendants.)	

DEFENDANT(S)' ANSWER

COME NOW Sheriff Terry Wilson and Lieutenant David Stover, the Defendants in the above-styled cause, and answer the Plaintiff's Complaint as follows:

Answer

The Defendants in this action deny each and every allegation made by the Plaintiff, James Earle Crenshaw, and demand strict proof thereof. The Defendants deny that they acted, or caused anyone to act, in such a manner so as to deprive the Plaintiff of his constitutional rights.

Affirmative Defenses

1. The Plaintiff's claims are barred by § 1997(e)(a) of the Prison Litigation Reform Act ("PLRA"), because the Plaintiff failed to exhaust all administrative remedies available to him.
2. The Plaintiff's Complaint, separately and severally, fails to state a claim upon which relief may be granted.
3. The Defendants in this action, in their individual capacities, are entitled to qualified immunity from the Plaintiff's federal claims.
4. The Defendants in this action, in both their individual and official capacities, are entitled to absolute immunity from the Plaintiff's state law claims.

5. The Defendants in this matter, in their official capacities, are entitled to absolute immunity from the Plaintiff's claims pursuant to the Eleventh Amendment to the United States Constitution.

6. The Defendants in their official capacities are not "persons" under 42 U.S.C. § 1983.

7. The Plaintiff fails to allege any affirmative causal link between the alleged acts of the Defendants and any alleged constitutional deprivation or the direct participation of the Defendants in any alleged constitutional violation.

8. The Defendants are not liable based upon *respondeat superior* theory of liability.

9. The Defendants reserve the right to supplement this Answer by adding additional affirmative defenses as the facts of this case are developed and if discovery is ordered by the Court.

Respectfully submitted this 8th day of October, 2007.

s/Joseph L. Hubbard, Jr.
JOSEPH L. HUBBARD, JR., Bar Number HUB015
Attorney for Defendants
WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive (36117)
Post Office Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: jhubbard@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of October, 2007, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

James Earle Crenshaw
Coosa County Jail
P. O. Box 279
Rockford, Alabama 36420

s/Joseph L. Hubbard, Jr.
OF COUNSEL